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September 27, 2021

Hon. Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007
Via ECF

Re: United States v. Donziger, No. 19-cr-561 (LAP), 11-civ-691 (LAK)

Dear Judge Preska:

Submitted herewith are an additional five letters, all from distinguished attorneys, in support of Mr. Donziger, as well as a petition from the International Association of Democratic Lawyers (IADL). The IADL is one of the largest lawyer organizations in the world with members from over 100 countries. It was founded in 1946 by prosecutors from the Nuremberg trials and its first President (Rene Cassin) was a principal author of the Universal Declaration of Human Rights.

Mr. Garbus, who has represented Nelson Mandela and Daniel Ellsberg in a storied legal career, is well-known to the Court as one of Mr. Donziger's attorneys. He writes: "The Court has made its point. If the Court's verdict stands, it will have been accompanied by punishment sufficient by far. If the verdict is overturned, any additional punishment the Court might impose now will face the judgment of history in a particularly harsh light."

Richard H. Friedman, an attorney of 42 years with an impeccable record of integrity and graciousness, writes of his friendship with Mr. Donziger that was kindled by, but not limited to, the attorney-client relationship. He notes that throughout the course of the long-running litigation between Chevron and Mr. Donziger, going back a decade, Mr. Donziger was always "under represented;" either representing himself or being represented by lawyers with limited resources and well out of their depth. Mr. Friedman also notes that during the RICO trial, given Judge Kaplan's obvious bias, Mr. Donziger was advised to cease his participation in the trial to avoid giving it a veneer of legitimacy. While certainly the easiest path, Mr. Donziger explained that it was important to his clients and to his own sense of self-worth that he continue to fight even if the odds were stacked against him.

Charles R Nesson, the William F. Weld Professor of Law at Harvard Law School, submits a very different kind of letter. Professor Nesson reverts back to the RICO case and writes that the testimony of Alberto Guerra, Chevron's star witness, was the only evidence at trial that Mr. Donziger had bribed Judge Zambrano. Not only was Guerra's testimony deeply flawed, events subsequent to the RICO trial demonstrated his testimony to be false—there is no evidence that anyone ever bribed Judge Zambrano. Professor Nesson writes that Judge Kaplan's finding of fraud, which necessarily implicates Mr. Donziger's character, should be completely disregarded for purposes of sentencing in this matter.

Anton Tabuns, a Canadian attorney, is currently Associate General Counsel in charge of corporate compliance at a hedge fund based in Toronto. He and Mr. Donziger worked together in Ecuador and later in Canada on the judgement enforcement action in that country. Notably, he writes based on firsthand observations that Mr. Donziger had established the highest level of trust and confidence with the indigenous communities in Ecuador: "The genuine affection community members had for Steven was manifest in his many interactions in Ecuador, including in town hall meetings in remote rural areas of the Amazon where people were suffering from cancers and other health impacts."

Scott Badenoch, an attorney and Senior Clinical Fellow at the University of California School of Law at Irvine, has worked closely with Mr. Donziger over the past year. While not a long association, Mr. Badenoch notes that Mr. Donziger can be both passionate and stubborn, "but a criminal mastermind he is not. He can barely operate basic 21st century technology. The notion that he has maintained a nearly 3 decades-long conspiracy against a global oil giant and in inexhaustible roster of BigLaw minions beggars belief."

Finally, attached is a petition from the International Association of Democratic Lawyers signed by sixty-seven organizations and 396 individuals from dozens of countries. These concerned individuals and bar organizations around the world duly note the highly unusual nature of this prosecution by a private Chevron law firm and that Mr. Donziger "has a demonstrated commitment for almost three decades to the cause of human rights and to helping his Indigenous and *campesino* clients in Ecuador deal with on-going health and land issues as a result of oil contamination."

Sincerely,



Ronald L. Kuby

Exhibit AA: Garbus Letter

Exhibit BB: Friedman Letter

Exhibit CC: Nesson Letter

Exhibit DD: Taubuns Letter

Exhibit EE: Badenoch Letter

Exhibit FF: Petition, International Association of Democratic Lawyers